1

2

3

4

5

6   UNITED STATES DISTRICT COURT

7   NORTHERN DISTRICT OF CALIFORNIA

8

9   DONALD E. UMBERGER,   Case No. 22-cv-03280-SI

10   Plaintiff,

11   v.   **ORDER DISMISSING ACTION FOR
                                            FAILURE TO PROSECUTE**
12   CITY OF SANTA ROSA, et al.,
                                            Re: Dkt. Nos. 8, 11
13   Defendants.

14

15

16

17   Plaintiff filed the instant action on June 3, 2022, along with an application for in forma

18   pauperis ("IFP") status, and a motion for a temporary restraining ("TRO") order. Dkt. Nos. 1, 2,

19   and 4. On June 14, 2022, the Court entered an order granting plaintiff's application for in forma

20   pauperis status, denying the motion for a TRO without prejudice to it being refiled, and ordering

21   plaintiff to file an amended complaint making clear: (1) whether the Court has jurisdiction and (2)

22   stating discrete causes of action. Dkt. No. 8. The Court further ordered plaintiff to file the amended

23   complaint on or before July 5, 2020. *Id*. The Court made clear failure to file an amended complaint

24   would result in the action's dismissal WITH prejudice. *Id*.

25   Subsequent to the Court's June 14, 2022 order, the Court's courtroom deputy, Esther Chung,

26   attempted to serve the order on plaintiff multiple times but was not successful. Dkt. Nos. 9 and 10.

27   Ms. Chung finally received an updated email address for plaintiff and completed service. But, due

28   to the unsuccessful service attempts, the Court granted plaintiff until July 29, 2022, to file an

United States District Court
Northern District of California

1   amended complaint. Dkt. No. 11 (Clerk's Notice Continuing Deadline to 7/29/22).

2   As of the date of this order, no such amended complaint has been filed. Nor has the Court

3   otherwise heard from plaintiff whatsoever. As such, the matter is hereby DISMISSED WITH

4   PREJUDICE for failure to comply with the Court's previous order and for failure to prosecute.

5

6   **IT IS SO ORDERED**.

7   Dated: September 6, 2022

8   _____

9   SUSAN ILLSTON
                                                      United States District Judge

United States District Court
Northern District of California